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EXAMINER

IBRAHIM, MOHAMED

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/630,071
Filing Date: July 30, 2003
Appellant(s): MARTIN ET AL.

David R. Risley (Reg. No. 39345)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/30/2008 appealing from the Office action mailed 09/16/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

U. S. 2004/0064503	Karakashian et al.	04-2004
U. S. 2004/0199586	Kaler et al.	10-2004
6330589	Kennedy	12-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 8-9, 11, 21- and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karakashian et al. (Karakashian), U.S. Application Publication No. 2004/0064503 A1 in view of Kaler et al. (Kaler), 2004/0199586 A1 and further in view of Kennedy, U.S. Patent No. 6330589.

Regarding claim 1, Karakashian discloses a method for collecting data regarding a messaging session (see e.g. Fig. 1, Fig. 3, and paragraph [0033], intercepting message session), the method comprising:

intercepting an incoming message sent to a first network service (see e.g. paragraph [0032]); writing session information relevant to the incoming message to a thread-local variable (see e.g. paragraphs [0033] and [0038]; The web service invoke requests is saved in the container driver); and providing the incoming message to the first network service (see e.g. paragraph [0081]); sending an outgoing message from the network service to a second network service or a client (see e.g. the disclosure of claim 1 wherein the message context is modified and sent the web services destination); intercepting the outgoing message sent by the first network service (see e.g. fig. 3 and

paragraph [0040]; interceptors for both inbound and outbound messages); performing a thread-local variable lookup so as to retrieve the session information written to the thread-local variable (see e.g. paragraph [0038] and [0107]); instrumenting the outgoing message with the session information (see e.g. paragraphs [0026], [0033] and [0047]); and providing the instrumented outgoing message to the second network service or client (see e.g. paragraph [0081] and claim 1; passing the instrumented message to the web service destination).

Although Karakashian discloses the invention substantially as claimed, it does not explicitly disclose session information including a session identification, a source name, of the sender of the message, a message type, a destination name of the intended recipient, and a message received time.

Kaler teaches system for using expressive session information in a distributed system where the session information include session identification, message type, session name, sending and receiving nodes etc. (see figs. 3-4, paragraphs [0006], [0016]-[0017], [0019] and [0041]). At the time of the invention it would have been obvious to a person of ordinary skill in the art to combine the teachings of Kaler with that of Karakashian. Motivation for doing so would have to unambiguously identify each individual session from plurality of sessions.

Although the combination of Karakashian and Kaler teach the invention substantially as claimed, they do not teach storing in a database in relation to the session identifier session data relevant to the incoming or outgoing message wherein the session data includes at least a message sent time.

Art Unit: 2444

Kennedy teaches a system for managing message threads generated from email. The system includes a local message store and database that stores message sessions and related information corresponding to the retrieved messages wherein the message-related information includes message identifier, parent message identifier, sent time and the time posted to the database (see Kennedy, fig. 8, col. 2 line 61-col. 3 line 2, and col. 3 lines 6-44). At the time of the invention it would have been obvious to a person of ordinary skill in the art to combine the teachings of Kennedy with that of Karakashian-Kaler. Motivation for doing so would have been to effectively and efficiently keep track of messages and maintain the message order of a threaded conversation (see Kennedy, col. 2 lines 38-42).

Regarding claim 2, Karakashian-Kaler-Kennedy teaches wherein intercepting an incoming message comprises intercepting an extensible markup language (XML) message wrapped in a simple object access protocol (SOAP) envelope (see e.g. Fig. 1 and paragraph [0041]).

Regarding claim 3, Karakashian-Kaler-Kennedy teaches wherein intercepting an incoming message comprises intercepting a service request (see e.g. paragraph [0034]).

Regarding claim 4, Karakashian-Kaler-Kennedy teaches wherein intercepting an incoming message comprises intercepting a service response (see e.g. paragraph

Art Unit: 2444

[0034]).

Regarding claim 8, Karakashian-Kaler-Kennedy teaches wherein writing a session identifier to a thread-local variable comprises writing to the session identifier to a thread-local variable using a simple object access protocol (SOAP) message handler (see e.g. paragraph [0038] and [0146]-[0147]).

Regarding claim 9, Karakashian-Kaler-Kennedy teaches wherein storing session data regarding the incoming message further comprises storing the source name of the sender of the message, a message type and a destination name of the intended recipient (see e.g. Karakashian, paragraph [0038] and Kennedy, col. 2 lines 49-67). The same motivation utilized in the combination of claim 1, equally applies as well to claim 9.

Regarding claim 11, Karakashian-Kaler-Kennedy teaches wherein storing session data regarding the outgoing message further comprises storing the source name of the sender of the message, a message type and a destination name of the intended recipient (see e.g. Karakashian, paragraph [0038] and Kennedy, col. 2 lines 49-67). The same motivation utilized in the combination of claim 1, equally applies as well to claim 11.

Claim 21 list all the same sub-elements of claim 1, but in computer readable medium

form rather than method form. Therefore, the supporting rationale of the rejection to claim 1 applies equally as well to claim 21. The same motivation utilized in the combination of claim 1, equally applies as well to claim 21.

Regarding claim 23-24, the limitations of these claims have already been addressed (see claim 8 above).

Regarding claim 25, the limitations of this claim have already been addressed (see claims 9 and 11, above).

(10) Response to Argument

Appellant's arguments with respect to claims 1-4, 8-9, 11, 21 and 23-25 have been considered but are not persuasive.

Appellant argues,

A) Writing a session identifier to a thread-local variable, the session identifier identifying a messaging session to which the incoming message relates.

B) Performing a thread-local variable lookup so as to retrieve the session identifier written to the thread-local variable.

C) Storing in a database session data at least including message received time and message sent time.

In response to Appellant's argument,

A) Examiner submits that the applied prior art of record clearly teaches writing a session identifier to a thread-local variable, the session identifier identifying a message session to which the incoming messages relates. For instance, Karakashian teaches the storing/writing of context data to a thread-local object wherein the context data includes a conversation identifier (see Karakashian, paragraph [0038]). It is clear from the teaching of this passage as well as the Karakashian's invention as a whole, that a session identifier (conversation ID) is written (stored) in a thread-local object for identifying different conversion/message as well as the relationship of various thread message. Therefore, Karakashian reference clearly teaches Appellant's argued limitation as currently recited.

B) It is established, as explained above, that Karakashian teaches writing session identifier to a thread-local object. Since session identifiers are stored, it makes sense to retrieve the stored session. It is the examiner understanding that the sole purpose of storing session identifier is to retrieve them at some point. Therefore, it obvious to retrieve session identifiers after they have been written to the thread-local variable. As to the specific teaching of Karakashian reference, on paragraph [0038], it discloses the storing of conversation identifiers to a thread-local object; furthermore, Karakashian invention utilizes dynamic clients that are used for looking up data from a thread-local objects (see Karakashian, paragraph [0107]). Therefore, Karakashian indeed discloses performing lookup to retrieve stored session.

C) As for Appellant's argument of storing in a database session data at least including message received time and message sent time. Since Karakashian does not

Art Unit: 2444

particularly store session information in a *database*, Examiner brought in Kennedy reference which teaches the storing of message session information including message received time by the client-server database (posted time) and the message sent time (see Kennedy, col. 3 lines 6-44). Therefore, it would have been obvious if not automatic to store received time and sent time for thread messages such as email conversations in order to distinguish original messages from subsequent ones.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Mohamed Ibrahim/

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444

Conferees:

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